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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,774	07/17/2003	Adolfo Tsuyoshi Komura	2764-125	9163
23117	7590	06/28/2004	EXAMINER	
NIXON & VANDERHYE, PC 1100 N GLEBE ROAD 8TH FLOOR ARLINGTON, VA 22201-4714			WRIGHT, ANDREW D	
			ART UNIT	PAPER NUMBER
			3617	

DATE MAILED: 06/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.	Applicant(s)	
10/620,774	TSUYOSHI KOMURA ET AL.	
Examiner	Art Unit	
Andrew Wright	3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1/22/04</u> .   | 6) <input type="checkbox"/> Other: ____.                                    |

## **DETAILED ACTION**

### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Brazil on 11/19/2002. It is noted, however, that applicant has not filed a certified copy of the PI0204708-0 application as required by 35 U.S.C. 119(b).

### ***Claim Objections***

2. Claims 1-15 are objected to. The claims are replete with inconsistent terminology, recitations that lack antecedent basis, and multiple positive recitations of the same element. The claims should be amended to conform with current U.S. practice. Appropriate correction of all claims is required. The following is an exemplary list of objected to claim language and should not be construed as a complete list of all objected to claim language:

- a. Claim 1, line 17, "the first end" should be "a first end";
- b. Claim 1 line 17, "to be connected" should be "is connected";
- c. Claim 1, line 19, "to be provided with" should be "has";
- d. Claim 1, line 20, "the second end" should be "a second end";
- e. Claim 1, line 23, "the first end" should be "a first end";
- f. Claim 1, line 23, "the cable segment" should be "the segment of cable";
- g. Claim 1, line 23, "to also be" should be "is";
- h. Claim 1, line 25, "a segment of cable" should be "the segment of cable";
- i. Claim 1 line 25, "to be extended by a" should be "has";
- j. Claim 1, line 25, "of cable" should be deleted;

- k. Claim 1, line 26, "the second end" should be "a second end";
  - l. Claim 1, line 26, "the cable segment" should be "the segment of cable";
  - m. Claim 1, line 26, "to be" should be "is";
  - n. Claim 1, line 29, "cable segment" should be "segment of cable";
  - o. Claim 1, line 30, "the first end" should be "a first end";
  - p. Claim 1, line 30, "to be" should be "is";
  - q. Claim 1, line 30, "an end ring" should be "the one end";
  - r. Claim 1, line 31, "the second end" should be "a second end";
  - s. Claim 1, line 32, "the chain cable segment" should be "the segment of chain cable";
  - t. Claim 1, line 33, "the boat" should be "a boat";
  - u. Claim 1, line 35, "chain" should be "the segment of cable";
  - v. Claim 1, line 35, "the area" should be "an area";
  - w. Claim 1, line 38, "the chain cable segment" should be "the segment of chain cable";
  - x. Claim 1, line 38, "the cable segment" should be "the segment of cable";
3. Claims 4 and 10 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 4 recites the hook provided with a ring, which was already recited in claim 1. Claim 10 recites the

length of anchor chain cable is longer than the height of poor visibility, which was already recited in claim 1.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claim 1 recites the limitation "the length of the chain cable segment will parallel the precision ray [laser] used by the boat" in lines 32-33. There is insufficient antecedent basis for the limitation "the precision ray [laser]" in the claims. Furthermore, the use of the bracketed term renders the claim indefinite because it is unclear whether the limitations in the brackets are part of the claimed invention. Claims 2-15 depend from claim 1 and are rejected for the same reason.

7. Claim 14 is directed to both a method and an apparatus, and is therefore indefinite. Claims 13 and 15, by contrast, are properly written as a method claim that depends from an apparatus claim and are therefore not indefinite.

***Claim Rejections - 35 USC § 101***

8. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

9. Claim 14 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claim is not directed to a process or machine, but rather embraces or overlaps two different statutory classes of invention set forth in 35 U.S.C. 101 which is drafted so as to set forth the statutory classes of invention in the alternative only (see MPEP 2173.05(p)).

***Allowable Subject Matter***

10. Claims 1-13 and 15 would be allowable if rewritten or amended to overcome the objections and the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

11. The following is a statement of reasons for the indication of allowable subject matter: the prior art does not teach or suggest the recited combination specifically comprising the recited connections of the anchor line, chain cable, cable, fairlead, anchor chain cable, floatation device, and buoy.

***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pease et al. ('448) shows a method and apparatus for quick disconnect/connect of an anchor line to a subsea anchor. Head ('671) shows an apparatus and method for connecting an anchor line to a subsea anchor. Figures 3 and 4 show guide line wrapped around a pulley on the anchor, the guide line pulling the anchor line toward the anchor for connection. Pollack et al. ('497) shows an apparatus and method for connection of an anchor line to a subsea anchor.

13. Any inquiry concerning this communication should be directed to examiner Andrew D. Wright at telephone number (703) 308-6841. The examiner can normally be reached Monday-Friday from 9:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, S. Joe Morano, can be reached at (703) 308-0230. The fax number for official communications is 703-872-9306. The fax number directly to the examiner for unofficial communications is 703-746-3548.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andrew D. Wright  
Patent Examiner  
Art Unit 3617

*AW 6/22/04*  
**ANDREW D. WRIGHT**  
**PRIMARY EXAMINER**